

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST

FOR REVIEW BY:

**BRENDA LONG,**

Petitioner.

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CHARGE NO.: 2009CN2156

EEOC NO.: 846-2009-02946

ALS NO.: 10-0009

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini presiding, upon Brenda Long's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2009CN2156; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** for the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On November 17, 2009, the Petitioner filed a charge of discrimination with Respondent. The Petitioner alleged her former employer, Human Resources Institute Development Inc. ("Employer"), discharged her because of her race, Black (Count A), and in retaliation for having opposed unlawful discrimination on January 12, 2006 and August 27, 2007, and in an on-going manner thereafter (Count B), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On December 3, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On January 4, 2010, the Petitioner filed this timely Request.
2. The Employer is a social service agency which provides mental health, alcohol and substance abuse, education, prevention, criminal justice, and children and family services in the Chicagoland area.

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

3. The Employer first hired the Petitioner on November 2, 1982. At all relevant times alleged in the Petitioner's charge, the Petitioner's official title was Contracts Coordinator, and she worked in the Employer's Contracts, Billing and Budget Department.
4. During its investigation, the Respondent determined the Employer employed 784 individuals; 92% were Black; 25% were White; approximately 4.5% were Hispanic, and approximately 0.3% were Asian.
5. On January 12, 2006 and on August 27, 2007, the Petitioner sent memos to the Employer's Chief Financial Officer, and to one of the Petitioner's supervisors, respectively, complaining about uncooperative conduct by non-Black employees in the Employer's Finance Department. The Petitioner contends she thereafter complained about race discrimination on an "on-going" manner.
6. On August 27, 2008, the Employer's Chief Executive Officer informed all staff members in writing that due to decreased government funding, the Employer would be reducing its staff. The Employer's revised budget would reflect a reorganization of its structure in order to accommodate the Employer's reduced staff.
7. On August 28, 2008, the Employer's Senior Vice President of Human Resources and Employee Relations notified the Petitioner in writing that she was being terminated because under the Employer's revised budget, the Petitioner's position had been eliminated.
8. By September 30, 2008, the Employer had terminated an additional 34 employees, including non-Black employees, as a result of the Employer's reduction in force and reorganization plan.
9. As a result of the Employer's reorganization plan, the Employer merged its Contracts, Billing and Budget Department with its Finance Department.
10. In her charge, the Petitioner alleged the Employer terminated her because of her race, Black, and in retaliation for having opposed unlawful discrimination. .
11. In her Request, the Petitioner makes several allegations, including that her complaints to the Employer about discrimination were verbal as well as written, and were made within close proximity to her discharge; that the Employer made racially motivated business decisions; that there was racial tension between the Finance and the Budget Departments, and that non-Black staff members were favored by the Chief Financial Officer.
12. In its Response, the Respondent asks that the Commission sustain the dismissal of the Petitioner's charge for Lack of Substantial Evidence. The Respondent argues that the Employer articulated a non-discriminatory reason for terminating the Petitioner. The

Respondent argues its investigation did not produce any evidence that the Employer's articulated non-discriminatory reason for discharging Petitioner was pretext for discrimination or retaliation.

13. Further, as to the Petitioner's retaliation claim in Count B, the Respondent argues there is no substantial evidence of a causal connection between the Petitioner's protected activity on January 12, 2006, and August 27, 2007, and the Petitioner's termination on August 28, 2008. The Respondent argues that the time period between the last instance of the protected activity in August 2007 and the Petitioner's termination in August 2008 was too remote to raise an inference of retaliation. Furthermore, although the Petitioner alleged she opposed discrimination on an "on-going" basis, the Respondent states its investigation did not reveal any other occasions or dates on which the Petitioner had opposed unlawful discrimination after August 2007.

### ***Conclusion***

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, \*2 (March 7, 1995).

In this case, there is no substantial evidence the Employer discharged the Petitioner because of her race, Black (Count A) or as retaliation for having engaged in protected activity (Count B). There has been no evidence presented from which a reasonable person could conclude the Petitioner was targeted for termination because of her inclusion in protected classes.

Rather, there is evidence the Petitioner was one of several employees who was terminated as a result of the Employer's reorganization plan. Employees outside of the Petitioner's protected classes were also terminated around the same time the Petitioner was terminated as a result of the Employer's budgetary constraints. As such, the Petitioner's *prima facie* case fails because there is no substantial evidence that the Petitioner was treated less favorably than similarly situated, non-Black employees who had not engaged in protected activity.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The Respondent's dismissal of the charge is **SUSTAINED**.

This is a final order. A final order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Human Resources Institute Development Inc., as Respondents with the clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS	)	
	)	Entered this 28 <sup>th</sup> day of July 2010.
HUMAN RIGHTS COMMISSION	)	

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini